

Resolution No.: 18-48  
Introduced: January 20, 2015  
Adopted: January 27, 2015

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** Revision to the Process for the Introduction and Consideration of Amendments to the Text of the Zoning Ordinance for the Maryland-Washington Regional District within Montgomery County, Maryland

**Background**

1. Section 59-H-9.1 of the Zoning Ordinance authorizes the District Council to prescribe procedures for the introduction and consideration of amendments to the text of the Zoning Ordinance.
2. The District Council on September 5, 1977, by Resolution No. 7-854, established a legislative process for the introduction and consideration of amendments to the text of the Zoning Ordinance for Montgomery County and on October 22, 1991, amended that process by Resolution No. 12-432. Those resolutions were repealed and reapproved in amended form on February 27, 2011 by Resolution 16-63.
3. The procedures for the introduction and consideration of amendments to the Zoning Ordinance have been revised from time to time since 1977 by the Council.
4. Council staff is directed to consult with the Office of the County Executive, Office of the County Attorney, the Office of Zoning and Administrative Hearings, the People's Counsel, Planning Board staff, Board of Appeals staff, and Department of Permitting Services staff.
5. Requests for a zoning text amendment by an individual or a group must be directed to Councilmembers.

**Action**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following procedures for the introduction and consideration of proposed amendments to the text of the Montgomery County Zoning Ordinance and repeals Resolution 16-63:

1. Zoning Text Amendments

- (a) Only a Councilmember, the County Executive, or the Planning Board may recommend a zoning text amendment to the Council.
- (b) Zoning text amendments submitted for introduction must contain:
  - (1) a short description of the requested amendment;
  - (2) a statement of the problem that the amendment addresses and the reasons for the amendment;
  - (3) the effect of the proposed amendment on existing law and procedures;
  - (4) any exigency related to the proposed amendment; and
  - (5) the new text to be added and existing text to be deleted from the Zoning Ordinance.
- (c) Council staff must forward all zoning text amendments to the Zoning Text Amendment Advisers before its introduction by the Council. The Advisers' recommendations must be communicated back to the author of the ZTA as soon as Council staff can do so. The Council President may schedule the text amendment for introduction without a review by the Zoning Text Amendment Advisers.
- (d) Unless 5 members of the Council object, any text amendment recommended by a Councilmember, the County Executive, or the Planning Board must be introduced. Any text amendment recommended by the County Executive or Planning Board must be sponsored by the District Council.

2. Required Staff Consultations for a Zoning Text Amendment

- (a) The Zoning Text Amendment Advisers must include one staff representative each from the Montgomery County Planning Board; the Office of the County Attorney; the Office of Zoning and Administrative Hearings; the Department of Permitting Services; the Board of Appeals; the People's Counsel; and the Office of the County Executive. Staff must be designated by the office or agency.
- (b) The staff representative of the Office of the County Council, within a reasonable time after an amendment to the Zoning Ordinance is drafted, must forward the proposed draft to the Zoning Text Amendment Advisers. The method of consultation with the Advisers must be determined by Council staff. An impact assessment of any proposed amendment must be requested from the Montgomery County Planning Board staff. Council staff must consult with designated Zoning Text Amendment Advisers before drafting any staff reports.

3. Introduction of Zoning Text Amendments

- (a) A zoning text amendment may be introduced at any time. The recommendation of the Zoning Text Amendment Advisers will not prevent any Councilmember or members from introducing any text amendment.
- (b) Upon introduction, copies of each text amendment must be made available for distribution to the public. After introduction, the Office of the County Council, the Department of Permitting Services, and the Zoning Office of the Planning Board must keep copies on file, for distribution to the public on request.
- (c) Within 5 days after the introduction of each zoning text amendment, Council staff must transmit a copy to the Planning Board and the County Executive for review as required by Section 59.7.2.4 of the Zoning Ordinance.
- (d) After the public hearing on the text amendment, the Advisers' recommendations may be summarized in Council staff's memorandum to the appropriate Council committee before the worksession on the text amendment. The staff memorandum must also include an analysis of the amendment, and a recommendation as to whether the amendment should be adopted with or without revisions. The recommendations of the Planning Board and Planning Staff must be included in material provided to the appropriate Committee and Council.

4. Format for Introduction of Zoning Text Amendments

Zoning text amendments to be introduced must be in the form prescribed by the Montgomery County Plain Language Drafting Manual, adopted by the County Council in Resolution No. 10-1182, as amended.

This is a correct copy of Council action



Linda M. Lauer, Clerk of the Council